

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

Marque Gardeley,

Case No. 2:22-cv-00223-APG-DJA

Petitioner,

ORDER

v.

State of Nevada, et al.,

Respondents.

This is a 28 U.S.C. § 2254 counseled habeas corpus action. On May 19, 2023, I appointed Ms. Jean Schwartzer, Esq. to represent Petitioner Marque Gardeley. ECF No. 28. On February 27, 2024, Gardeley filed a motion to withdraw counsel, explaining that (1) Ms. Schwartzer has not taken his best interests into consideration, (2) he has not been in contact with Ms. Schwartzer, and (3) he does not trust Ms. Schwartzer. ECF No. 45. In response, Ms. Schwartzer filed a motion to withdraw, denying Gardeley's accusations and explaining that "[t]here has been a total breakdown in communication between counsel and Mr. Gardeley." ECF No. 47. I find good cause exists to grant the motions to withdraw and to appoint new counsel to represent Gardeley.


Ms. Schwartzer has also moved for an extension of time to file Gardeley's amended petition. ECF No. 46. Given the need to appoint new counsel for Gardeley, I vacate the current deadline for the filing of Gardeley's amended petition. I will set a new deadline for the filing of Gardeley's amended petition following the appointment of new counsel for Gardeley.

1 I THEREFORE ORDER that the motions to withdraw **[ECF Nos. 45, 47] are granted.**
2 Ms. Jean Schwartz, Esq. is released as counsel for Petitioner Marque Gardeley. I will enter a
3 separate order appointing new counsel for Gardeley.

4 I FURTHER ORDER that the motion for extension of time **[ECF No. 46] is granted.**
5 The current deadline for the filing of Gardeley's amended petition is vacated.

6 I FURTHER ORDER that the Clerk of Court (1) send a copy of this order to Petitioner
7 Marque Gardeley at Ely State Prison and reflect said transmittal either via the notice of
8 electronic filing or on the docket, in a manner consistent with the Clerk's current practice, and
9 (2) send Ms. Schwartz a copy of this order.

10 Dated: March 15, 2024

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13 ANDREW P. GORDON
14 UNITED STATES DISTRICT JUDGE
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